

# EXHIBIT 9

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September 19, 2004

**VIA E-MAIL**

Claire Laporte, Esq.  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

Re: In re Columbia University Patent Litigation, MDL No. 1592

Dear Claire:

As you know, Columbia has informed Biogen and Genzyme that their license agreements are in full force and effect. Accordingly, under *Gen-Probe Inc. v. Vysis, Inc.*, 359 F.3d 1376 (Fed. Cir. 2004), there is no subject matter jurisdiction over any of Johnson & Johnson's declaratory relief claims against Columbia. I would appreciate your confirming as soon as possible that Biogen and Genzyme will voluntarily dismiss these claims. Please call me on Monday to discuss this issue.

Very truly yours,



David I. Gindler

DIG:mc